

Staff Report – Compatibility Assessment Meeting
Jefferson County Department of Planning and Zoning

Morgan’s Grove Market Conditional Use Permit File #CP12-01

A Compatibility Assessment Meeting for the proposed Morgan’s Grove Market Conditional Use Permit was held on March 2, 2012 at 10:00 a.m., in the Charles Town Library meeting room located at 200 East Washington Street in Charles Town, West Virginia.

Jennifer Brockman, Director of Planning and Zoning; Steve Barney, Zoning Administrator; Seth Rivard, County Planner and Becky Burns, Office Manager of the Department of Engineering were present as staff for the hearing. A complete description of the project can be found in File #CP12-01 in the Department of Planning and Zoning Office located at 116 East Washington Street in Charles Town, West Virginia.

Fred Blackmer, Consultant and Peter Corum, owner/applicant, were present on behalf of the project. Mr. Blackmer and Mr. Corum described the nature of the project.

Mike Austin, Ann Spurgas, Betty Nuttall, Tim Walsh, Tom Huddleson, Miriam Wilson, Charles Wilson, John Billmyer, Stanley Belchik, Beverly Belchik, Linda O’Brien, Joe Spurgess and Austin Porter with the Shepherdstown Men’s Club addressed compatibility issues.

The Developer agreed to the following and they are therefore considered *resolved* issues:

1. Provide a pre- and post-blast survey within five hundred feet of the construction site prepared by a geological engineer or certified company that is agreed upon by both the Developer and the neighbors. The inspections will be limited to buildings, wells and other structures as recommended by the geological engineer. The surveys are to be paid for by the Developer.
2. The Developer will be responsible for ensuring that the blasting contractor/subcontractor has insurance for all work. Further, it will be a condition of the contract that should damage be caused offsite, including damage to wells, by onsite blasting, the contractor/subcontractor will be responsible for all damages caused by the blasting activity. Liability will be limited to those homes on which a pre-blast survey was taken; homeowners who refuse a pre-blast survey will not be covered.
3. The Developer will provide all adjacent properties and those included in the pre-blast survey 24 hours’ notice for any blasting. The general blasting schedule will be provided in this notice. For blasting activities that occur on consecutive days a single notice identifying the time period shall be provided to the adjacent neighbors.
4. All contractors and subcontractors are to be insured.
5. The Town Run and the immediately adjacent area shall be kept in its natural vegetative state. Recreational use of Town Run shall be prohibited, with the exception of an adjacent walking trail.
6. All signage will be low and mounted on brick or stone monuments. No pole signs or other strip mall type signage is permitted. No animated signs shall be permitted. Full cutoff lighting shall be used to facilitate “dark sky” practices.
7. The developer shall partner with the Shepherdstown Men’s Club to ensure that perpetual water testing of the Town Run before, during, and after construction is done with tests sites at Morgan’s Grove Park, the Spring House (Wilson’s property) and the greenhouses (Corum property).
8. Exterior lighting will meet or exceed the Illuminating Engineering Society of North America (IESNA) standards for Lighting for Exterior Environments for achieving “Full Cutoff” of light

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pollution above the horizontal plane with little or no light at angles typically associated with glare.

9. No new residential living quarters are permitted except for the two (2) existing single family residences.
10. The Developer is to perform a well flow test on the Nuttall’s and Belchik’s properties, to be done before construction begins and again after the project has been completed, not to exceed 1 year from the date of completion of the project, at the Developer’s expense.
11. Provide a traffic study in accordance with West Virginia Division of Highways (WVDOH) requirements and address all traffic study and WVDOH requirements.
12. Address risks identified in the traffic study as warranted by the WVDOH as follows:
 - a. Ensure sight distance requirements are met.
 - b. Allow for safe access and egress to the property through the construction of turning lanes.
 - c. Improve the existing State roads to meet Jefferson County standards.
13. A right hand turn lane will be installed if required by the WVDOH. The Developer will provide an area of right-of-way from the Developer’s property to accommodate a left-turn lane, if required by the WVDOH. Both turn lanes will be paid for by the Developer.
14. No stoplight will be installed, except as required by the WVDOH.
15. No land from the Spurgess property shall be used for a turn lane, with the exception of the land that is already within the WVDOH right-of-way.
16. The proposed parking lot will be graded to slope away from adjacent properties to protect land owners from potential stormwater runoff. The parking lot will conform to the standards within the Jefferson County Subdivision Regulations.
17. The Developer will remove the existing sign advertising Town Run Commons.

The Developer did not agree to the following conditions and they are therefore considered *unresolved* issues:

1. Provide the full scope of the project listing the type of businesses proposed.
2. Provide a timeline for the phasing of the project.
3. The development shall be served by public/central water and sewer systems, or a self-contained water and sewer treatment plant regulated by a State or federal agency that will not deposit into the Town Run.
4. Prohibit convenience stores and fueling stations, including electric vehicle charging stations.
5. No blasting of any kind permitted on site.
6. Concerns regarding the increased noise pollution caused by the proposed uses.
7. Concerns regarding the increased danger to the children frequenting Morgan’s Grove Park.
8. Provide an eight (8) foot tall solid fence between the subject property and adjacent properties (Morgan’s Grove Park and the Wilson property). Direct access between the subject property and Morgan’s Grove Park shall be prohibited.
9. Provide a buffer of five (5) foot wide shrubs and a buffer protecting the trees on the Wilson property.
10. A geological engineer shall be on site to supervise any blasting or breaking of rock.
11. Stormwater management ponds shall be lined with a synthetic liner to protect the karst topography.
12. Of the business located on the site, at least 75% must be of an agriculturally-related industry.
13. Limit business hours from 8:00 a.m. to 10:00 p.m.
14. Provide a 75 foot front setback for proposed buildings and a 50 foot setback for parking.

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15. The property owner shall be responsible for picking up all litter on both sides of Route 480 along the frontage of the property.
16. Limit construction hours from Monday to Friday from 7:00 a.m. to 4:00 p.m.
17. Bond the project to ensure structures and all site amenities will be removed if project does not go forward or is unsuccessful.
18. Address historical issues.
19. Restrict proposed buildings to a maximum of 30 feet in height.

Because the Compatibility Assessment Meeting resulted in unresolved issues, a public hearing before the Board of Zoning Appeals has been scheduled for April 19, 2012 at its regularly scheduled meeting. The meeting will take place at 3:00 P.M. in the Charles Town Library meeting room located at 200 East Washington Street at the side entrance on Samuel Street in Charles Town, West Virginia. Testimony will be limited to resolution of the unresolved issues.

This report was prepared by Steve Barney, Zoning Administrator on March 30, 2012.

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